



Opinion 566

Published on District of Utah (<https://www.utb.uscourts.gov>)

Opinion Title: 04/29/2013 UNPUBLISHED In re Allan James Cornia, 13-22364, Judge Marker .

Body: A creditor in a chapter 13 case moved to lift the automatic stay on a parcel of real property held in trust. The creditor argued that cause existed to lift the stay under § 362(d)(1) because the property was not part of the debtor's estate and because the debtor had no contractual relationship with the creditor with respect to the property. The Court denied the creditor's motion, holding that under Utah law the debtor was a beneficiary of the trust and had an equitable interest in the property, which was included in the estate by § 541(a)(1). The Court then concluded that an equitable interest in the property was sufficient to claim a homestead exemption in the property, and that a lack of a contractual relationship between the debtor and the creditor was not cause to lift the stay.

File:  [566.pdf](#) [1]

Judge: [Judge Joel T. Marker](#) [2]

Date: Monday, April 29, 2013

Source URL: <https://www.utb.uscourts.gov/opinions/opinion-566#comment-0>

Links

[1] <https://www.utb.uscourts.gov/sites/default/files/opinions/566.pdf>

[2] <https://www.utb.uscourts.gov/content/judge-joel-t-marker>